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How I Write

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How do I write?

It all depends. First, it depends on what I am writing. I write letters, office memoranda, newspaper articles, legal briefs and opinions, and sometimes serious scholarship. Second, it depends on my audience. I write to my wife and children; to friends of greater or lesser intimacy; to students and academic colleagues; to professional groups and the general public; to courts and other repositories of public authority; to opposite-number lawyers in various professional relationships; to hostile parties. I sometimes write to myself.

Third, it depends on how much time there is. Woodrow Wilson observed that writing something short and to the point takes more time and is more difficult than doing a long piece. My experience, however, is that a short deadline conduces to being concise and to the point — concentrates the mind, as Samuel Johnson said.

Fourth, it depends on whether I am stating or explaining something I already have worked through or am having to think out a problem through the medium of writing. If I already have the matter in mind, I write quickly and easily. If I don't, the labor in writing can be arduous.

These things said, in the craft of writing I draw upon accumulated experience. When I was a child, my father and my grandmother often read to us aloud. Their readings were interesting, expressive, and had rhythmic cadence. Perhaps because of this experience, I grasp things more quickly by hearing than by reading. Hence, when writing I silently "sound" my phrases, which gives me a feeling of better precision, cadence, and intelligibility.

In eighth-grade English we had systematic drill in diagramming sentences. I still think of sentence structure in the images of a diagram and thereby position adjectives and adverbs, phrases, clauses, and often the noun-verb relationship itself. The word-processor now provides wonderful flexibility in repositioning sentence elements. I often put the key words and phrases on the screen without knowing their proper sequence and move them around to find what seems the best fit.

In high school I came to understand that I was not good at fiction or poetry. Hence, with Molière, for more than 40 years I have been speaking prose — and nonfiction prose, at that. Taking serious account of one's limitations saves a lot of grief.

In my last year in college we were required to write a paper of 10 to 15 double-spaced pages, researched and documented, every week. I came to understand that a subject can be explored to substantial depth even in a short time, but also that no subject is ever developed to its full depth. Someone said a book is never finished, it is merely abandoned; the same is true of any expressive undertaking.

In the second year in law school, my writing had to survive the preternatural standards of amateur editorial superiors on the law-review staff. A student law-review article, at least at Columbia in those days, had to "exclude every misinterpretation capable of occurring to intelligence fired with a desire to pervert," to borrow a formulation that Holmes employed in another context. But nothing is perfect, nor can it be made so.

In the apprentice years of law practice I had to write decent but imperfect prose, researched and documented, every week,

knowing that client well-being could turn on whether the work did the job. Words can have real consequences.

My most intense learning about writing has come in drafting legislation and other general legal rules, first for the State of Oregon and later for other sponsors. Legislation is abstract in form and legal effect, but specific and concrete in its application. It must be coherent in technical terms and yet understandable and acceptable in popular terms. Like the Bible, it draws on all of the social experience that can be brought to mind but addresses events that have yet to occur. It represents both linguistic expression and the exercise of political authority — art and power.

From these lessons I conclude:

First, begin with the hard parts — the parts that are most difficult to analyze or articulate, or most unpalatable or contentious. Once these are formulated, the supporting arguments and the introduction and conclusion are relatively easy.

Second, the basic analysis should be expressed in no more than three propositions. Only very powerful minds can handle anything more complicated. A mathematician once told me there are four elemental numbers: one, two, three, and "many." If the structure of an argument extends to "many," it should be restructured.

Third, each step in the exposition should be constructed like a pyramid, with the point at the beginning and the support underneath. Members of an audience follow most readily when they know where they are going.

Accordingly, I begin in the middle of the problem with single sentences addressed to the hardest issues, and work from there in all directions. I do the outline afterward.